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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/774,926

01/31/2001

Tomokazu Kakumoto

15162/03120

5322

24367

7590

12/20/2004

EXAMINER

YE, LIN

SIDLEY AUSTIN BROWN & WOOD LLP
717 NORTH HARWOOD
SUITE 3400
DALLAS, TX 75201

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,926

Applicant(s)

KAKUMOTO ET AL.

Examiner

Lin Ye

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Amendment***

1. Applicant's election without traverse of the election of species Figures 5 and 7 filed on 7/30/04 is acknowledged. However the election is incorrect. It should be noted Figures 5 and 7 are two different species, e.g., In Figure 1, a block diagram showing whole internal configuration of the area sensor; the Figures 2 and 3 are two different species for showing a pixel configuration in the area sensor; and the Figures 5 and 7 are two different species for showing a selector circuit in the area sensor. The applicant should indicate only one of the species group that is elected, such as Group A. Figures 1, 2 and 5 or Group B. Figures 1, 2 and 7 or Group C. Figures 1, 3 and 5 or Group D. Figures 1, 3 and 7.

The examiner requires that the applicant reelects the a single species from those specified as follows:

Election/Restrictions

2. This application contains claims directed to the following patentably distinct species of the claimed invention: Species: **figure 1; figure 8; figure 13; figure 17.**

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no independent claims are generic claims.

- a. In the event **Species figure 1** is elected, **Species figure 1** is subject to the following additional restriction requirement:

Species figure 1 contains claims directed to the following patentably distinct **sub-species I** of the claimed invention: Species: **figure 2; figure 3.**

Species figure 1 contains claims directed to the following patentably distinct **sub-species II** of the claimed invention: Species: **figure 5; figure 7.**

(e.g., The applicant should indicate only one of the species group that is elected, such as **Group A. Figures 1, 2 and 5** or **Group B. Figures 1,2 and 7** or **Group C. Figures 1,3 and 5** or **Group D. Figures 1, 3 and 7)**

- b. In the event **Species figure 8** is elected, **Specie figure 8** is subject to the following additional restriction requirement:

Species figure 8 contains claims directed to the following patentably distinct **sub-species** of the claimed invention: Species: **figure 9; figure 10; figure 11; figure 12.**

(e.g., The applicant should indicate only one of the species group that is elected, such as **Group E. Figures 8 and 9** or **Group F. Figures 8 and 10** or **Group G. Figures 8 and 11** or **Group H. Figures 8 and 12)**

- c. In the event **Specie figure 13** is elected, **Specie figure 13** is subject to the following additional restriction requirement:

Specie figure 13 contains claims directed to the following patentably distinct **sub-species** of the claimed invention: Species: **figure 15; figure 16.**

(e.g., The applicant should indicate only one of the species group that is elected, such as **Group I. Figures 13 and 15** or **Group J. Figures 13 and 16**)

- d. In the event **Specie figure 17** is elected, **Specie figure 17** is subject to the following additional restriction requirement:

Specie figure 17 contains claims directed to the following patentably distinct **sub-species** of the claimed invention: Species: **figure 20; figure 21**

(e.g., The applicant should indicate only one of the species group that is elected, such as **Group I. Figures 17 and 20** or **Group J. Figures 17 and 21**)

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species including single sub-species under it for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (703) 305-3250. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized, flowing script.

Lin Ye
Examiner
Art Unit 2615

December 13, 2004